IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

Crl.Rev.Pet.No. 3406 of 2004(A)

CRA.1037/2003 of ADDL.SESSIONS COURT, ERNAKULAM
CC.1221/1998 of V JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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REVN. PETITIONER: APPELLANT/ACCUSED:

SABU.K.JACOB, PROPRIETOR,
M/S.KARITHADATHIL AGENCIES, PIRAVAM, KOCHI
SABU K.G. AS GIVEN IN THE JUDGMENT.

BY ADV. SRI.C.A.MAJEED

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. M/S.SURASHTRA CEMENT LTD. PLOT.NO.3,
CATEGORY 1, 6TH CROSS ROAD, WEST ISLAND,
COCHIN 3, REP. BY P.A.HOLDER SURESH KUMAR,
SENIOR MARKETING MANAGER.

BY ADV. SRI.V.J.MATHEW
SRI.P.P.RAJESH
SRI.ASHLY ANTONY
SRI.BIJISH B.TOM
SMT.BABY SONIA
SMT.NAVEENA ANTONY
PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.3406 of 2004

Dated this 24th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.1221 of 1998 on the file of the Judicial First Class Magistrate's Court No.1, Ernakuklam. Second respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for three months under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.35,750/- to the complainant in default of payment to undergo simple imprisonment for three months under section 357(3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.260 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.260 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**